

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**SCOTT ALLEN SUMMERS,**

**Plaintiff,**

**vs.**

**5:13-CV-1531  
(TJM/TWD)**

**HON. MARTIN TANGEMAN, HON.  
JAC A. CRAWFORD, HON. LINDA HURST,  
HON. GARY A. FEESS, HON. VICTOR  
B. KENTON, HON. JAY C. GANDHI,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983, was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Dancks' Order and Report-Recommendation [dkt. # 4] have been filed, and the time to do so has expired.<sup>1</sup>

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<sup>1</sup>On January 6, 2014, the Report and Recommendation, served on Plaintiff at his last known address, was returned as "[n]ot [d]eliverable as [a]ddressed - [u]nable to [f]orward." However, the Court's docket indicates that on January 20, 2013,

Plaintiff came to the Syracuse [Court Clerk's] Counter asking about the status of his case. The Clerk (continued...)

## **II. DISCUSSION**

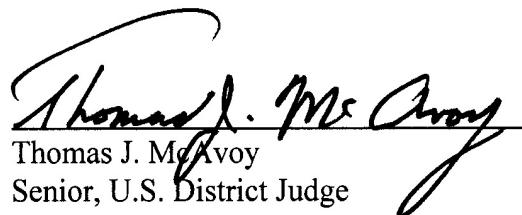
After examining the record, this Court has determined that the Order and Report-Recommendation is not subject to attack for plain error or manifest injustice.

## **III. CONCLUSION**

Accordingly, the Court **ADOPTS** the Order and Report-Recommendation [dkt. # 4] for the reasons stated therein. Therefore, the complaint brought against all defendants (Hon. Martin Tangeman, Hon. Jac A. Crawford, Hon. Linda Hurst, Hon. Gary A. Feess, Hon. Victor B. Kenton, and Hon. Jay C. Gandhi) is **DISMISSED WITHOUT LEAVE TO AMEND**. The Clerk may close the file in this matter.

**IT IS SO ORDERED.**

Dated: August 23, 2014



Thomas J. McAvoy  
Senior, U.S. District Judge

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<sup>1</sup>(...continued)

informed plaintiff that a decision was filed on 12/17/2013, which was mailed to his address listed on the case docket. Plaintiff stated that the address listed on the docket is no longer correct and that he has moved into a shelter. Plaintiff was unable to provide a current address as he did not remember the address of the shelter. The Clerk noted that the Court needs to have a current address in order to reach plaintiff and provide him with copies of the filings in this case. Plaintiff stated he would provide the Court with an updated address ASAP. The Clerk provided plaintiff with a copy of the # 4 [General] Order and R&R.

Despite this admonition and personal service of the Report and Recommendation, the plaintiff failed to keep the Court advised of his address or to file any objections to the Report and Recommendation.

Every litigant is required to keep the Court advised of his or her address so that documents and decisions may be served upon them by mail. See Local Rules of the United States District Court for the Northern District of New York, 10.1(b), 41. (2) & (b). Failure to do so can greatly delay proceedings and, therefore, can be construed as an abandonment of the action.

Under the circumstances, the Court deems that Plaintiff intentionally failed to file any objections and has abandoned this action.